



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,713	03/06/2001	Philip M. Abram	50N3704.01	4047

-- 7590 05/07/2003

VALLEY OAK LAW
5655 SILVER CREEK VALLEY ROAD
#106
SAN JOSE, CA 95138

EXAMINER

WALLERSON, MARK E

ART UNIT	PAPER NUMBER
----------	--------------

2622

DATE MAILED: 05/07/2003

lo

Please find below and/or attached an Office communication concerning this application or proceeding.

y

Office Action Summary

Application No.
09/800,713

Applicant(s)
Abram et al

Examiner
Mark Wallerson

Art Unit
2622



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Apr 14, 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

Art Unit: 2622

Part III DETAILED ACTION

Notice to Applicant(s)

1. This action is responsive to the following communications: amendment filed on **4/14/2003**.
2. This application has been reconsidered. Claims 1-50 are pending.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Art Unit: 2622

4. Claims 1, 8, 9, 21, 22, 26, 31, 32, 33, 36, 37, 45, 46, 47, and 50 are rejected under 35 U.S.C. 102(e) as being anticipated by Spector (U. S. 6,356,274).

With respect to claims 1, 8, 21, 22, 26, 31, 33, 36, 37, 45, 47, and 50, Spector discloses a method comprising rendering a line-art image from a digital image (which reads on converting a colored picture into a line drawing) (the abstract, lines 1-3); formatting a coloring book (the printed sheets) image rendered from the line-art image (column 2, lines 44-52), transmitting the coloring book to the client (which reads on displaying or printing the image) (figure 4), and printing the image (column 2, lines 44-52), wherein the coloring book image represents the digital image (column 2, lines 11-17) and includes at least one fillable area (color-in zones) (column 4, lines 45-51).

With respect to claims 9, 32, and 46, Spector discloses the digital image covers the full range of colors (column 3, lines 50-66).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 3, 23-25, 38, 39, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spector in view of Schipper (EP 0713788).

Art Unit: 2622

With respect to claims 2, 3, 23-25, 38, 39, and 40, Spector differs from claims 2, 3, 23-25, 38, 39, and 40 in that he does not clearly disclose generating a color sample, assigning an image area to the sample and printing an index name and number with the sample. Schipper discloses dividing an image formed on an electronic camera into contoured fields or regions. The fields are given an identifier and the image is printed out, thereby enabling automatic generation of painting by numbers originals. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Spector in order to assist the user in coloring the images.

7. Claims 4, 5, 6, 7, 27, 28, 29, 30, and 41-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spector in view of Manico (U. S. 6,373,551).

With respect to claims 4, 5, 6, 7, 27, 28, 29, 30, and 41-44 Spector differs from claims 4, 5, 6, 7, 27, 28, 29, 30, and 41-44 in that he does not clearly disclose the printing is performed at a public kiosk.

Manico discloses a method for communication of digital images generated from film utilizing a kiosk (520) to generate and print the images (column 5, lines 43-52). Manico also discloses that a fee is charged for printing at the kiosk (column 4, lines 37-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Spector whereby the printing is performed at a public kiosk. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Spector by

Art Unit: 2622

the teaching of Manico in order to give the customer easier public access to produce the coloring sheets.

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 10, 13, 14, 15, 16, 17, 18, 19, 20, 34, 35, 48, and 49 are rejected under 35 U.S.C.

103(a) as being unpatentable over Spector in view of Manico.

With respect to claims 10, 15, 17, 34, 35, 48, and 49, Spector discloses a method comprising rendering a line-art image from a digital image (which reads on converting a colored picture into a line drawing) (the abstract, lines 1-3); formatting a coloring book (the printed sheets) image rendered from the line-art image (column 2, lines 44-52), and printing the image (column 2, lines 44-52), wherein the coloring book image represents the digital image (column 2, lines 11-17) and includes at least one fillable area (color-in zones) (column 4, lines 45-51).

Spector differs from claims 10, 17, 34, 35, 48, and 49 in that he does not clearly disclose receiving the digital image at a server and transmitting the coloring book image to a client.

Manico discloses a method for processing digital film using a coloring book algorithm (column 4, lines 45-62) wherein a digital image is received at a server (450) and transmitted to a client (column 5, lines 43-52). Therefore, it would have been obvious to one of ordinary skill in

Art Unit: 2622

the art at the time of the invention to have modified Spector to receive the digital image at a server and transmit the coloring book image to a client. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Spector by the teaching of Manico in order allow the customer to easily obtain the image.

With respect to claims 13, 14, 18, and 19, Spector differs from claims 13, 14, 18, and 19 in that he does not clearly disclose the printing is performed at a public kiosk.

Manico discloses a method for communication of digital images generated from film utilizing a kiosk (520) to generate and print the images (column 5, lines 43-52). Manico also discloses that a fee is charged for printing at the kiosk (column 4, lines 37-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Spector whereby the printing is performed at a public kiosk. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Spector by the teaching of Manico in order to give the customer easier public access to produce the coloring sheets.

With respect to claims 16 and 20, Spector discloses the digital image covers the full range of colors (column 3, lines 50-66).

10. Claims 11 and 12, are rejected under 35 U.S.C. 103(a) as being unpatentable over Spector in view of Manico as applied to claims 10 above, and further in view of Schipper (EP 0713788).

Art Unit: 2622

With respect to claims 11 and 12, Spector as modified differs from claims 11 and 12, in that he does not clearly disclose generating a color sample, assigning an image area to the sample and printing an index name and number with the sample. Schipper discloses dividing an image formed on an electronic camera into contoured fields or regions. The fields are given an identifier and the image is printed out, thereby enabling automatic generation of painting by numbers originals. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Spector as modified in order to assist the user in coloring the images.

Response to Arguments

11. Applicant's arguments with respect to claims 1-50 have been considered but are moot in view of the new ground(s) of rejection.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Wallerson whose telephone number is (703) 305-8581.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC 20231

Application/Control Number: 09/800,713

Page 8

Art Unit: 2622

or faxed to:

(703) 872-9314 (for formal communications intended for entry)

(for informal or draft communications, such as proposed amendments to be discussed at an
interview; please label such communications "PROPOSED" or "DRAFT")

or hand-carried to:

Crystal Park Two

2121 Crystal Drive

Arlington. VA.

Sixth Floor (Receptionist)


MARK WALLERSON
PRIMARY EXAMINER

MARK WALLERSON